IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ALVIN L. HEWETT, also known as)
MARQUES AL-BEY,   )
)
            Plaintiff,   )
)
     v.   )   1:07CV89
)
JUDGE CATHERINE EAGLES,   )
JUDGE WILLIAM Z. WOOD, JR.,   )
and JUDGE DENISE S. HARTSFIELD,)
)
            Defendants.   )

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on May 4, 2007, was served on the parties in this action. On May 21, 2007, Plaintiff filed a document entitled "Response to Recommendation of United States Magistrate Judge," which stated only "I ask that a final order be made by the court **not** by a Magistrate Judge" (Doc. No. 11).

Plaintiff's "Response" does not identify any specific written objection to the Magistrate Judge's Recommendation, nor does it specifically identify any portion of the Recommendation to which any objection is made, as required by Fed. R. Civ. P. 72(b), notwithstanding the fact that Plaintiff was given notice of these requirements (Doc. No. 10). See Mims v. Helmrich, No. 2:07CV8, 2007 WL 2993791, at *1 (W.D.N.C. Oct. 11, 2007)(quoting Thomas v. Westinghouse Savannah River Co., 21 F. Supp. 2d 551, 560 (D.S.C.

1997). In fact, Plaintiff does not articulate any disagreement with the Magistrate's Recommendation.

The court has appropriately reviewed the Magistrate Judge's Recommendation and, in consideration of Plaintiff's *pro se* status and the relatively small size of the file, has nevertheless made a *de novo* determination of the record, notwithstanding Plaintiff's lack of compliance with Rule 72(b), Fed. R. Civ. P. The court is in accord with the Magistrate Judge's analysis and therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Defendants' motion to dismiss (Doc. No. 5) be **GRANTED** and that this action be dismissed WITH PREJUDICE. A Judgment dismissing this action will be entered contemporaneously with this Order.

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 /s/ Thomas D. Schroeder
United States District Judge
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Date: February 22, 2008